

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
PINE BLUFF DIVISION**

**FREDERICK PENNINGTON, JR.
ADC # 71305**

PLAINTIFF

v.

CASE NO. 5:08CV0018 JLH/BD

WENDY KELLEY, *et al.*

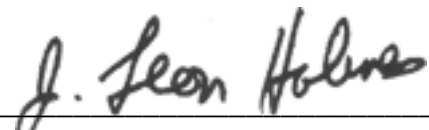
DEFENDANTS

ORDER

The Court has received the Recommended Disposition from Magistrate Judge Beth Deere. After careful review of the Recommended Disposition, the timely objections received thereto, as well as a *de novo* review of the record, the Court concludes that the Recommended Disposition should be, and hereby is, approved and adopted as this Court's findings in all respects in its entirety.

Plaintiff's motions for summary judgment (#83 and #105) are DENIED. Defendants' motions for summary judgment (#130 and #169) are GRANTED and Plaintiff's claims are DISMISSED with PREJUDICE. All remaining motions are denied as moot. The Court certifies that an *in forma pauperis* appeal taken from the order and judgment dismissing this action would be frivolous and not taken in good faith.

IT IS SO ORDERED this 16th day of September, 2009.


UNITED STATES DISTRICT JUDGE